

EDMONDS CITY COUNCIL APPROVED MINUTES

July 23, 2013

The Edmonds City Council meeting was called to order at 7:00 p.m. by Mayor Earling in the Council Chambers, 250 5th Avenue North, Edmonds. The meeting was opened with the flag salute.

ELECTED OFFICIALS PRESENT

Dave Earling, Mayor
Lora Petso, Council President
Strom Peterson, Councilmember
Frank Yamamoto, Councilmember
Joan Bloom, Councilmember
Kristiana Johnson, Councilmember
Adrienne Fraley-Monillas, Councilmember

ELECTED OFFICIALS ABSENT

Diane Buckshnis, Councilmember *
* (participated via telephone for Agenda Item 7)

STAFF PRESENT

Stephen Clifton, Community Services/Economic Development Director
Phil Williams, Public Works Director
Roger Neumaier, Finance Director
Carrie Hite, Parks & Recreation Director
Rob Chave, Acting Development Services Dir.
Jerry Shuster, Stormwater Eng. Program Mgr.
Rob English, City Engineer
Jeff Taraday, City Attorney
Sandy Chase, City Clerk
Jana Spellman, Senior Executive Council Asst.
Jeannie Dines, Recorder

1. ROLL CALL

City Clerk Sandy Chase called the roll. All elected officials were present with the exception of Councilmember Buckshnis.

2. APPROVAL OF AGENDA

COUNCILMEMBER PETERSON MOVED, SECONDED BY COUNCIL PRESIDENT PETSO, TO APPROVE THE AGENDA IN CONTENT AND ORDER. MOTION CARRIED UNANIMOUSLY.

3. APPROVAL OF CONSENT AGENDA ITEMS

COUNCILMEMBER PETERSON MOVED, SECONDED BY COUNCIL PRESIDENT PETSO, TO APPROVE THE CONSENT AGENDA. MOTION CARRIED UNANIMOUSLY. The agenda items approved are as follows:

- A. APPROVAL OF CITY COUNCIL MEETING MINUTES OF JULY 16, 2013.**
- B. APPROVAL OF CLAIM CHECKS #203230 THROUGH #203359 DATED JULY 18, 2013 FOR \$661,388.69. APPROVAL OF PAYROLL DIRECT DEPOSIT & CHECKS #60316 THROUGH #60341 FOR \$472,345.11, BENEFIT CHECKS #60342 THROUGH #60349 AND WIRE PAYMENTS OF \$203,264.40 FOR THE PERIOD JULY 1, 2013 THROUGH JULY 15, 2013.**
- C. MAY 2013 MONTHLY FINANCIAL REPORT.**
- D. ACKNOWLEDGE RECEIPT OF A CLAIM FOR DAMAGES FROM FRONTIER COMMUNICATIONS (\$7,050.15).**

**E. COMMUNITY SERVICES/ECONOMIC DEVELOPMENT DEPARTMENT
QUARTERLY REPORT - JULY, 2013.**

4. AUDIENCE COMMENTS

Rita Miller, Edmonds, requested the Council reinstate officers and programs in the Police Department and bring the Police Department budget back to full strength with regard to safety programs. She noted residential burglary rates have increased and displayed pictures of a break in at her house. She blamed this on budget cuts to the Police Department. The Police Department was very responsive following the break-in. She questioned whether the City has chosen beautification over safety in the use of tax dollars. Five officers have been cut, Crime Watch has been cut; citizens are willing to volunteer for Crime Watch but the Police Department needs a full-time person to oversee the program. She cited other cuts such as the DARE program, the resource officer in the high school and one officer in the K9 program. She plans to start Society on Cessation of Crime (SOCC), a support group for burglary victims. She displayed a map of burglaries in the Edmonds bowl. She relayed a statement from the Edmonds Police Department regarding impacts on their ability to disseminate information easily to citizens due to the defunding of the Crime Prevention Unit and loss of an organized block watch program. She read a list of safety tips from the Police Department that are available on the City's website. She pointed out one of the best tips is getting to know your neighbors and exchanging phone numbers.

Al Rutledge, Edmonds, reported on the Classic Car Show and raffle at Top Foods. John Hanlin won the 2-minute shopping spree; that event will take place at Top Foods on August 9 at 4:00 p.m. The winner of the second prize, removal of an oil tank, valued at \$1500, donated it to the Edmonds Food Bank. Anyone interested in purchasing the oil tank removal can contact John Becker, Edmonds Food Bank at 778-5833.

Dave Page, Edmonds, pointed out the City needs economic development. Edmonds has twice as many parks per capita than any city around; this is good but the City has to pay for them. He referred to Mr. Clifton's comment to the Rotary Club; communities should ask themselves what regulations or policies are in place that moves the community in a positive direction. The #1 objective in the City's Strategic Plan is economic health and vitality. He relayed his discussion with builders and their concern with the Parks Impact Fee and cost of installing sprinklers; five builders said they are done building in Edmonds. He asserted the cost of building a house in Edmonds has doubled; it is 2½ times the cost of building a house in Snohomish County. He pointed out the City needs a General Fund levy and needs to tax residents uniformly.

5. PRESENTATION ON STORMWATER LOW IMPACT DEVELOPMENT (LID) - USING RAIN GARDENS FOR STORMWATER MANAGEMENT.

Stormwater Engineering Program Manager Jerry Shuster explained this presentation is informational only. He described low impact design (LID), a stormwater and land use management strategy that strives to mimic pre-disturbance hydrologic processes. He described the natural water cycle, explaining when it rains in a forested condition, water is absorbed by trees and plants (evapotranspiration), goes into the groundwater, or runs off the surface and into a stream. In a forest, 52% of rain is groundwater, 47% is absorbed by trees and vegetation and 1% is surface runoff. If half the forest is paved, 35% is groundwater, 26% is absorbed by trees and vegetation and 39% is surface runoff. He noted surface runoff picks up pollutants on its way to the stream, creating a quantity and quality issue. The intent of an LID such as a rain garden is to move a portion of the 39% surface runoff into groundwater and to the plants, mimicking a forested condition.

Mr. Shuster described limitations to creating a rain garden:

- Steep slopes, or landslide hazard area

- Hard pan or till soil
- Space limitations
- Underground utilities

Mr. Shuster next displayed photographs of several rain gardens in Edmonds.

Marilyn Jacobs, Rain Dog Designs, provided several reasons for rain gardens:

- Filters pollution before storm drains
- Provides wildlife habitat
- Prevents drainage problems
- Protects streams and Puget Sound
- Required by municipal stormwater permits

She commented on Puget Sound watersheds before development, forest layers, roots' bio-geo-chemical processes, recent development where there is little space, and issues of water quantity and quality. She described water quality "hot spots" from homes that include roofs; chemicals; oil, gas and brake linings; and pet waste.

She explained a LID is a design strategy with the goal of maintaining or replicating the predevelopment hydrologic regime through the use of design techniques to create a functionally equivalent hydrologic site design. She displayed a diagram of LID tools such as retaining native vegetation, shallow swales, cisterns, pervious pavers, rain gardens and open conveyances. The anatomy of a rain garden includes inflow, ponding depth and overflow. The steps for a rain garden include, 1) plan, 2) build, 3) plant and 4) maintain.

Considerations for planning a rain garden include the existing slope of the property; infiltrating capacity of underlying soil; distance from structures/foundations; location of utilities/septic systems; and depth of the water table.

Ms. Jacobs described options for working with slopes, location of inflow and overflow, multiple inflows, method for determining the drainage, calculating the drainage rate, determining the contributing area, determining available spaces/sites, decide on the shape, call for locate, and criteria for locating. She further described how to build a rain garden.

During her presentation, Ms. Jacobs displayed several photographic examples of rain gardens in Eatonville, West Seattle, Kirkland, Seattle Public Schools, Federal Way, and Port of Tacoma. Ms. Jacobs and **David Hymel, Rain Dog Designs**, described a green street project on 8th Avenue NW in Puyallup where several rain gardens were funded via a Department of Ecology LID grant.

Councilmember Fraley-Monillas commented she had an opportunity to tour a rain garden in Edmonds and has a good understanding what it takes to build a rain garden. She inquired about homeowners' responsibility for maintenance. Ms. Jacobs answered if a rain garden is constructed on a homeowner's property it is their responsibility to maintain; rain gardens can be designed to be low maintenance but they are not "no maintenance." Mr. Hymel explained in Puyallup homeowners signed a maintenance covenant and they are responsible for the rain garden for a period of time, typically five years.

Council President Petso referred to the photograph Ms. Jacobs displayed of development, observing it would be nearly impossible to locate a rain garden 10 feet from a foundation in an area where development had minimal setbacks. She asked whether rain gardens would be precluded in such an area. Ms. Jacobs answered the requirement is 10 feet from a foundation with a basement; it can be as close as 5 feet from a crawlspace foundation.

Councilmember Bloom asked about plans for a public workshop. Mr. Shuster answered Rain Dog Designs is under contract with the City to do one community workshop; it has not yet been scheduled. Councilmember Bloom asked whether there were any grant funds available. Mr. Shuster answered the legislature's budget includes stormwater grant money; DOE is working out what will be available.

6. PARK LEVY EXPLORATION COMMITTEE RECOMMENDATION OF RECONSIDERATION.

Parks & Recreation Director Carrie Hite recalled the Council formed the Metropolitan Park/Park Levy Exploration Committee last year, led by Councilmembers Yamamoto and Buckshnis. The committee has met during the past year and presented a recommendation to Council on May 21, 2013 to place a \$2 million, 3 year parks levy on the November ballot, and to continue to explore a Metropolitan Park District for the City. At that time, the Council passed Resolution 1290 with a 5-2 vote in support of placing a parks levy on the November ballot and charged the committee with drafting ballot language. Since then additional information including the budget forecast as well as other factors have resulted in the committee reconsidering their recommendation. She relayed the City Attorney's recommendation that the Council either rescind Resolution 1290 by motion or rescind it by resolution and staff will return with a resolution on the Consent Agenda next week. She advised Resolution 1290 was a resolution of intent and was non-binding. There is no legal reason for the Council to formally rescind by resolution; it would be for the public perception.

Bruce Witenberg, Metropolitan Park/Park Levy Exploration Committee Member, explained on May 21, 2013, the committee presented a report to the Council regarding the work to address the sustainability of Edmonds parks facilities and programs. At that time the committee reviewed the substance and result of their work to date, including a committee recommended draft resolution supporting a \$2 million, 3-year levy as an interim measure to ensure stability and continuity of the City's highly valued parks system. The measure, if passed by voters, included funding for park facilities, operations, capital improvements and support for parks administration. Based on the financial information presented to the committee at its March 5, 2013 meeting, the committee also highlighted the need for urgency in addressing the proposed levy and advocated for including the measure on the November 2013 general election. The committee also referred the Council and public to elements within the recently adopted Strategic Action Plan which places a high priority on City parks and the budgetary challenge of street overlays. The committee also committed to continue considering a long term solution to parks funding, specifically the feasibility of establishing an Edmonds Metropolitan Parks District.

On May 21, 2013, the Council voted 5-2 in support of the committee's recommendation. Based on information presented to the committee at their July 15, 2013 meeting, the committee now requests the Council rescind its decision to place a parks levy on the November 2013 ballot for the following reasons:

- The November 2013 timeframe is inadequate to educate the public in advance of the vote
- The City's revenue and budget for the next two years has stabilized to the extent a levy this fall is not necessary to ensure ongoing parks programs. The committee recommends the Council continue to seek a funding source for street overlays, consistent with the high priority this was given by citizens in the Strategic Plan. Delaying consideration of the levy would give the Council the opportunity to concentrate on street overlays during 2014 budget discussions.
- Contact has been made with the Trust for Public Lands (TPL), a nationally established non-profit that conserves land and creates parks for human enjoyment and benefit. The Trust also assists public agencies in establishing protective ownership programs for parks and can help raise local, state and national funds.

Phil Lovell, Metropolitan Park/Park Levy Exploration Committee Member, relayed the committee's July 15, 2013 discussion that determined there is not sufficient time between now and the November 2013 election to adequately finalize a ballot measure. A parks levy ordinance would need to be filed by August

6 in order to meet the ballot preparation deadline. A great deal of work needs to be done in advance of an election to avoid the measure's failure such as occurred a year ago when two parks-related levy proposals were defeated by Edmonds voters. Work to be done includes further study and public testing regarding makeup, size and duration of a proposed levy. A high degree of support for a levy is necessary from the Council, citizen volunteers and voting taxpayers via education, exposure and publicity. There is also a need to develop and understand the strategic options in the City's future budgeting process relative to success or failure in the voting booth and frame a specific funding strategy to achieve the high priority street overlay program.

The MPD Exploratory Committee is also intrigued by potential for assistance from the TPL. Ms. Hite has recently had success in her contact with the Washington chapter of the TPL. This organization pursues and supports national and local initiatives, service and research toward benefiting parks and open lands. The urban land program in the 1970s and 1980s that created parks and gardens in major U.S. cities is representative of their work. TPL's public land program in the 1980s helped build major rural preservation and park areas within the United States. The committee and staff will explore potential resources through the Washington chapter of the TPL to provide:

- Guidance and tools to help strategize long term park projects and programs.
- Assistance in carrying out public awareness, education and voter polling toward achieving passage of ballot measures.
- Assistance in the identification and resourcing financing mechanisms on behalf of parks.
- Assessing the merits and feasibility of the creation of an MPD still being studied by the committee.
- Recommendations related to the committee's advocacy and concurrently supporting street maintenance needs.

Mr. Lovell explained deferring the recommendation made on May 21, 2013, will allow additional study time as well as consider strategies benefitted by additional data gain at the committee's recent meeting and in the future. Incorporating this and future data in the planning process, a ballot measure in spring or fall 2013 would be appropriate.

While current projected revenues are improving, the City's financial picture has stabilized enough not to require a specific ballot measure this fall. Recently published real estate property assessments by Snohomish County indicate an average increase of 10.9%. This will likely lead to a tax for residents in addition to potentially greater revenue for the City. The additional time will also enable more thorough study and planning with regard to parks and street maintenance priorities. The Parks & Recreation Department is beginning the update of the Parks, Recreation and Open Space (PROS) Plan which will further refine long term needs, strategies and citizens' values toward sustainability and enhancement of these programs. With regard to street overlays, optional funding strategies need to be developed toward a solution to this high priority action plan item.

Mr. Lovell relayed appreciation for the Council's support of Resolution 1290; based on the additional information, the committee recommends the Council reconsider the timing of any ballot measure while the committee continues its study.

For Councilmember Fraley-Monillas, City Attorney Jeff Taraday explained the Council was not required to make a motion. The resolution the Council previously adopted was non-binding and did not obligate the Council; it only expressed the Council's intent to adopt an ordinance to place the park levy on the ballot. If the Council wishes to formally undo that expression of intent, the best way would be to request he draft a resolution to repeal Resolution 1290 for consideration at a future meeting.

COUNCILMEMBER FRALEY-MONILLAS MOVED, SECONDED BY COUNCIL PRESIDENT PETSO, TO HAVE THE CITY ATTORNEY DRAFT A RESOLUTION REVOKING THE ORIGINAL RESOLUTION. MOTION CARRIED UNANIMOUSLY.

7. POTENTIAL ACTION: EDMONDS DOWNTOWN BUSINESS IMPROVEMENT DISTRICT INTERIM MEMBERS ADVISORY BOARD'S PROPOSED BYLAWS.

(Councilmember Buckshnis joined the Council meeting by telephone for this agenda item.)

Community Services/Economic Development Director Stephen Clifton explained on June 25, 2013, the Edmonds Downtown Business Improvement District (EDBID) Interim Members Advisory Board presented the City Council draft bylaws and a proposed 2013 work program and budget. The Council approved the work program and budget but did not approve the bylaws. Prior to the June 25, 2013 meeting, he and Mary Kay Sneeringer, a member of the EDBID Board, met with Councilmember Bloom, who submitted amendments to the bylaws which were considered by the Council at the June 25, 2013 meeting. The EDBID Board discussed and supported those amendments. Those amendments are identified in red text in Attachment 1 of the Council packet. During the June 25, 2013 meeting, Councilmember Bloom proposed an additional amendment to Section 5.1.a of the bylaws; those amendments are show in blue text in Attachment 2 of the Council packet. The Council requested the EDBID Board consider the amendments in their entirety.

David Arista, President, EDBID Interim Members Advisory Board, relayed the Board unanimously approved the amendments to the bylaws shown in red in Attachment 1. The Board discussed the second amendment proposed by Councilmember Bloom and recommended not incorporating it into the bylaws. He provided reasons for this decision, first, when downtown businesses were contacted about the EDBID, open door businesses were told they would pay a higher BID assessment because open door businesses are perceived to receive more benefit from the BID. Although there are more by appointment businesses in downtown Edmonds, 50.5% of the assessments come from open door businesses. Second, if the amendment Councilmember Bloom proposed were incorporated into the bylaws, the number of by appointment businesses on the Board would be approximately 7-8 and 4 open door, creating a supermajority of by appointment businesses on the Board. The Interim Board, appointed by Mayor Earling, has 6 open door businesses and 5 by appointment businesses. He advised three by appointment business owners who are on the Board are present to answer questions.

Main Motion

COUNCILMEMBER JOHNSON MOVED, SECONDED BY COUNCILMEMBER YAMAMOTO, THAT THE CITY COUNCIL APPROVE THE EDMONDS DOWNTOWN BUSINESS IMPROVEMENT DISTRICT BYLAWS WITH THE PROPOSED AMENDMENTS AS PRESENTED IN ATTACHMENT 1 OF AGENDA ITEM 7.

Councilmember Johnson reported she attended the recent EDBID Board meeting to learn how the Board would respond to the proposed amendments. She was pleased with the Board's unanimous support of the bylaws including the amendments. She appreciated the collaborative efforts of the Board and congratulated them for the work they have done.

Councilmember Bloom invited Kevin Clarke, Board Member and owner of a by appointment business, to describe the alternate suggestion that he relayed to her that would somewhat correct the balance of by appointment business owners and open door businesses on the Board. Mr. Clarke explained he voted in favor of the amendment. He acknowledged there was not a perfect metric because of the discrepancy in land use between open door and by appointment businesses; there will always be more by appointment businesses in the BID than open door because by appointment businesses typically occupy less space than an open door business and there are buildings that are entirely occupied by appointment businesses. The way the BID was created, open door businesses pay more because their assessment is nearly twice the

assessment for by appointment businesses. He summarized whatever metric is used with that structure will always create an imbalance.

Mr. Clarke commented he, like most other by appointment businesses, recognize they will not receive any economic benefit from the BID, however, he did not object to the assessment because he recognized the City received a great economic benefit. He suggested retaining the same structure and rotating the leadership of the BID, allowing them to be elected one year by open door businesses and the next by the by appointment businesses. He recognized there was more camaraderie and unity amongst open door businesses and there has been more participation by open door businesses than by appointment businesses. Another option would be to have the President elected by open door businesses and the Vice President elected by the by appointment businesses and rotate the next year.

Councilmember Bloom observed his suggestion was to have the President and Vice President elected by different groups each year and then rotate the next. Mr. Clarke answered that could be done; currently both the President and Vice President own open door businesses. The majority of by appointment businesses backed away from consideration as officers, due in part because the leadership for the BID came from the open door community.

Amendment #1

COUNCILMEMBER BLOOM MOVED, SECONDED BY COUNCIL PRESIDENT PETSO, TO AMEND THE MOTION TO ADD TO THE BYLAWS THAT THE PRESIDENCY BE ROTATED BETWEEN A BY APPOINTMENT BUSINESS OWNER AND OPEN DOOR BUSINESS OWNER FROM YEAR TO YEAR.

Councilmember Buckshnis commented she visited Rapid City, South Dakota, which was mentioned in Roger Brooks' presentation, which has a parking structure and a retail only zone; Rapid City is booming. She did not agree by appointment businesses would not benefit from the BID. She did not support micromanaging the EDBID. She preferred to allow the EDBID to do what they wanted and if things went awry the Council could step in. She expressed support for the motion but did not support the amendment.

Councilmember Fraley-Monillas commented there was the potential for more by appointment businesses voting to elect the Board President and Vice President depending on who attended the membership meeting. She preferred to wait and see what happens over the next year. City Attorney Jeff Taraday clarified the membership selects the board; board members elect the officers.

Action on Amendment #1

MOTION FAILED (1-6), COUNCILMEMBER BLOOM VOTING YES.

Amendment #2

COUNCILMEMBER BLOOM MOVED, SECONDED BY COUNCIL PRESIDENT PETSO, TO AMEND THE BYLAWS TO STRIKE SECTION 9.2.g, "THE PRESIDENT OR DESIGNEE MAY DECLARE EMERGENCY BOARD MEETINGS AND WAIVE REQUIRED NOTICE; HOWEVER, AN EFFORT MUST BE MADE TO MEET ALL REQUIREMENTS IF POSSIBLE."

Councilmember Bloom relayed her understanding that according to the Open Public Meetings Act, all Council meetings must be announced. City Clerk Sandy Chase responded that is correct; however, the RCWs allow for emergency meetings to be held without notice in the event there is not an opportunity to give notice such as an earthquake and action must be taken.

Councilmember Bloom relayed her understanding that the RCWs also apply to commissions and boards formed by the City Council. The RCW allows the President to call a meeting in the event of a natural disaster or other emergency. Mr. Taraday read RCW 42.30.070: If, by reason of fire, flood, earthquake, or other emergency, there is a need for expedited action by a governing body to meet the emergency, the presiding officer of the governing body may provide for a meeting site other than the regular meeting site and the notice requirements of this chapter shall be suspended during such emergency.

Councilmember Bloom explained she proposed the amendment because the EDBID President already has the option of calling an emergency meeting. She did not believe the EDBID President should have more power to call an emergency meeting than the Mayor has. By striking this language, the BID already has that option in the event a natural disaster necessitated an emergency meeting.

Councilmember Peterson asked whether the Council could give an organization such as the EDBID more power than is allowed by RCW. Mr. Taraday answered no. He did not read 9.2.g to be an expansion of power; it was essentially paraphrasing State law.

Council President Petso asked if State law includes the requirement that an effort must be made to meet all requirements if possible. Mr. Taraday answered it did not; State law states the notice requirements of the chapter shall be suspended; if anything 9.2.g is not as lenient as State law. If 9.2.g were eliminated, efforts to meet all requirements would not need to be made. Council President Petso summarized 9.2.g provided better notice of an emergency meeting than State law. Mr. Taraday agreed 9.2.g required more.

Councilmember Bloom asked if Section 9.2.g would allow the President to call a meeting in the event of a nature disaster such as the RCW describes. Mr. Taraday responded the RCW does not expressly state that an emergency must be a natural disaster; the language states fire, flood, earthquake or other emergency. His reading of “emergency” in Section 9.2.g was an emergency of the same type; it could not just be an emergency due to timing. Councilmember Bloom asked whether Section 9.2.g left it open for another type of emergency that was not contemplated in the RCWs. Mr. Taraday responded the RCW leaves open the possibility of other types of emergency. The City Council has similar discretion to determine when an emergency exists. The EDBID will also have that type of discretion to determine when an emergency exists, either by Section 9.2.g or RCWs unless the Council expressly removes it, which he did not recommend. He concluded it is not possible or advisable to define with precision what constitutes an emergency.

Councilmember Johnson asked if inserting “consistent with RCW 42.30.070” into Section 9.2.g would provide clarification. Mr. Taraday replied if there was a concern that the EDBID Board could define emergency in a manner that was inconsistent with State law, reference to the RCW could be added to 9.2.g.

Action on Amendment #2

COUNCILMEMBER BLOOM WITHDREW HER AMENDMENT WITH THE AGREEMENT OF THE SECOND.

Amendment #3

COUNCILMEMBER BLOOM MOVED, SECONDED BY COUNCIL PRESIDENT PETSO, TO AMEND THE MOTION TO ADD, “CONSISTENT WITH RCW 42.30.070” TO SECTION 9.2.g.

Action on Amendment #3

MOTION CARRIED (6-1), COUNCILMEMBER YAMAMOTO VOTING NO.

Action on Main Motion as Amended

MOTION CARRIED (6-1), COUNCILMEMBER BLOOM VOTING NO.

(Councilmember Buckshnis discontinued her participation in the Council meeting by telephone.)

8. RE-INTRODUCTION OF WESTGATE / 5 CORNERS

Acting Development Services Director Rob Chave introduced the topic and explained the reasons for the Westgate and 5 Corners Plans include:

- Comprehensive Plan Land Use and Sustainability elements
- Economic Development

- Jobs; Business & Employment; City revenue
- Social Interaction & Opportunity
 - Housing choices; interactive and creative environment; ‘place making’
- Environment & Climate Change

Mr. Chave described economic issues:

- Changing markets and suburban development/redevelopment patterns
- Changing demographics and desires for choices in housing, shopping, jobs & living environments
- Local examples: Mill Creek, Mountlake Terrace, Shoreline, Bothell...
- These also benefit City revenues & services

Mr. Chave described social benefits:

- Urban Land Institute:
 - “Place Making” – “Form-based codes focus on end results – the creation of desirable physical places.”
 - “Successful retail development is inseparable from successful urban places – places where people of all ages and background can gather and engage in a spontaneous, unprogrammed way.”
 - “We will definitely see the inclusion of more residential space and even offices at many retail projects in the future... Residents and office workers are a sort of captive audience....”

Mr. Chave described issues related to the environment:

- Focusing development in mixed use centers provides the opportunity for land-efficient development, reducing sprawl and achieving other growth management goals
- Land use is one of the few options available to local jurisdictions to address climate change... both in terms of mitigation (reducing emissions) and adaptation

To the question of why form-based codes versus traditional coding, Mr. Chave explained:

- Traditional zoning codes regulate and emphasize the separation of uses as their basic approach to managing urban form.
- Form-based codes are an alternative, emphasizing the importance of context and design in addressing the relationship between buildings and their surroundings.
- Form-based codes focus on the relationship between public and private space, buildings and streetscapes, encouraging interaction among the space’s users and fostering a unique local character.

Mr. Chave highlighted form-based code elements:

- Form-based coding can be designed according to context.
- Form-based codes can be better suited to modern mixed-use development patterns and ‘place making’.
- Regulating plan... map showing where different form standards apply
- Building forms and standards
- Public space specifications & relationships
- Definitions, Administration & process
- Use visuals and tables to organize and simplify requirements
- May also employ architectural, landscape, signage and other standards
- Can be a ‘hybrid’ approach that incorporates traditional zoning standards where appropriate

Jill Sterrett, FAICP, Sterrett Consulting, UW Faculty, explained although the study conducted in 2010-2011 also addressed 5 Corners, the Westgate Plan has moved forward. Due to the delay to allow the

Planning Board to address other issues and because there are new Councilmembers, her intent was to provide a refresher regarding the plan and the process. She described her background that includes 30 years of urban planning experience and now teaching at UW. She pointed out Ms. Kriegh also has a Master's Degree in Architecture and 20 years of experience and is currently in the PhD program at UW.

Ms. Sterrett displayed a map of Westgate and 5 Corners, explaining their study began by comparing those areas to downtown. The EDC worked with the UW team throughout the process; their goal was business growth and jobs which in turn would provide more tax revenue for the City. The EDC was also interested in moderate priced housing for young adults and local service workers. One of the reasons the plan was prepared was to assist developers in understanding what the City wants the area to be. This can result in a faster review process, reducing developers' risk and helping the City and residents get what they want. The plan uses the concept of form-based code. She compared traditional zoning codes, design guidelines and form-based codes:

- Traditional zoning codes regulate and emphasize the separation of uses
- Design guidelines modulate building facades and materials
- Form-based codes emphasize the relationship between public and private space to support users and foster local character

In the early portion of the study in fall 2010, they looked at what works in other commercial centers. They worked with Forterra, previously known as Cascade Land Conservancy; principles they followed include complete (a mix of uses within a given space), compact (close to each other) and connected (good transit, bike, pedestrian connection in the area and to surrounding area).

As part of the study, a market analysis was conducted. She displayed a comparison of square footages in Westgate, current and future, with regard to retail, anchors, other retail and service, office, residential. The timing of redevelopment was estimated at 5-15 years. The economist who conducted the analysis concluded Westgate currently functions as neighborhood retail but has the potential to be community retail. She noted Edmonds collects approximately \$12,000 per year per resident in retail sales tax; Redmond collects \$18,000.

Ms. Sterrett reviewed details of the participatory public process:

- Community survey by mail and online (October 2010-March 2011)
 - Strong interest by all age groups in more outdoor public spaces and improved area walkability
- Listening Sessions (January 2011)
 - Fears included: Change, traffic, losing favorites, and developers not listening
- Public Design Workshop (March 2011)
 - Public participation in a design workshop with local professionals
 - Identify community values
 - Design for life (activities) to determine the arrangement of spaces, and finally the placement of buildings
 - Incorporate a "green infrastructure" overlay
 - Developed a number of workshop summaries
- Alternatives Preferences Forum (May 2011)
 - Two preferred alternatives were presented to the public, EDC, Planning Board
 - Presented to Council in June 2011; Council directed Planning Board to work with UW

Julie Kriegh, AIA, LEED AP, Kriegh Architecture Studios, referred to this as the form-based code plus plan because it considers the relationship between building, private spaces and public spaces as well as sustainable building practices, green features and open space, green infrastructure, diversity of commercial and residential housing types, multiple options for transportation and parking opportunities.

She displayed an example of possible development illustrating retail/commercial, office residential and parking. The plan does not regulate the uses, as that is typically market driven; the plan offers opportunity for property and business owners and leverages those on a neighborhood scale. She pointed out the plan has parking behind buildings, creating life spaces and activities in front of the buildings. Bike access, pedestrian streets and open green space are envisioned within each quadrant.

She described the intent and goals of leveraging synergies: Create mixed-use walkable, compact, commercial centers; improve connections for bicyclists and pedestrians; enhance Westgate identity and visibility; prioritize amenity spaces; promote civic and private investments; incorporate sustainable features; regulate building placement and form; and create a variety of housing choices and retail options and parking options.

Ms. Kriegh described what is regulated by the Plan:

1. Amenity spaces: common areas; plazas; sidewalks; lawns; pocket parks; trees; stormwater management.
2. Required build-to lines for each type of street
3. Street types
4. Building types
 - Rowhouse – townhome apartments or condominiums
 - Live Work – townhome apartments or condominiums with work studio
 - Stacked dwellings – two level living units with retail on the ground level
 - Courtyard residential – apartment or condominium flats
 - Side court – retail mixed use with office or residential above
 - Commercial block – office, retail, mixed use with office or residential above
 - Sustainable standards menu: LEED, evergreen, built green, passive house, living building challenge.
5. Building frontage types
6. Sustainable and green features
 - Based on successful Seattle Green Factor for commercial and multi-family zones
 - Flexible system to address ecological a neighborhood livability functions
 - Developer selects options to gain bonus stories
7. Development requirements and options

Ms. Kriegh explained the benefit for the community is there is a Plan for property owners and developers to look at and that provides choices and they can adhere to community values and vision and work with the City for a clear framework to meet the needs of the community today and in the future.

Ms. Sterrett described administration and implementation of the Plan. She described City actions to encourage development:

1. Create a demonstration project through RFQ process
2. Create public art, temporary space activation
3. Allow community and non-profit uses for existing vacant buildings
4. City partnership in amenities, open space, and parking that are leveraged
5. with green stormwater infrastructure
6. Create Planned Action Environmental Statement
7. Publicize Special District Plan-
 - Highlight FBC
 - Show developable parcels
 - Identify capacity of utilities
 - Feature desired activities
 - Demonstrate housing demand

Ms. Sterrett displayed a list of team members who contributed to the development of the Plan.

Council President Petso acknowledged she voted against this Plan because she does not believe it will happen on a State highway. She observed the Plan considers five story buildings. Ms. Sterrett agreed, noting the location where 5-story buildings are allowed is defined in the plan; it is in limited areas up against the steep slopes.

Council President Petso observed the Plan incentivizes small units to support low income/affordable housing. Ms. Sterrett answered the City does not currently have a low income/affordable housing program. The Plan includes workforce housing, smaller units that would be in the price range of young adults and service workers.

Council President Petso commented redevelopment of the PCC property into a 5-story, lot line to lot line apartment may be more profitable than the current grocery store, yet the City needs the grocery store. If development of apartments was more profitable, she questioned how favorite uses would not be lost. Ms. Sterrett answered that was part of those company's business models. Many grocery stores have a model with the grocery store on the ground floor and including apartments above.

Council President Petso observed parking requirements were reduced to one space per unit. Ms. Sterrett agreed the Plan suggest a formula for parking which the Planning Board will review. The concept was these would be smaller units and the parking standard would be one parking space per dwelling unit. Council President Petso commented when she reviewed the examples and incentives for extra height, she was able to develop a combination of factors that would allow a 5-story building with no public place-making amenities. She asked if that could be tweaked to ensure public spaces are created, recalling creating public spaces was the consensus of the survey respondents. Ms. Sterrett noted some amenities are required for 1-3 stories; incentives for additional stories can be tweaked. It was her understanding the Planning Board was considering that.

Council President Petso asked whether the current proposal was to reduce the 5 lanes on 100th/9th to 3 lanes. Ms. Sterrett acknowledged the team that prepared the Plan are not traffic experts; that part of the Plan needs further review by the Planning Board and Transportation Department. Mr. Clifton answered the Plan is not to reduce the number of lanes on 100th/9th. The traffic impact study determined it was not appropriate to put 9th Avenue on a "road diet" and instead recommended leaving the roadway as is.

Councilmember Peterson referred to Council President Petso's comment about PCC constructing a 5-story lot line to lot line building, pointing out that would not be allowed in that space. Mr. Chave explained the Plan does not say Westgate in its entirety can be redeveloped with apartments; there is a mixture of uses by location. He pointed out QFC owns their property and it will not be redeveloped until QFC wants to.

Councilmember Bloom asked how parking would occur behind the buildings, for example on the QFC or PCC parcels. Ms. Sterrett answered parking would only be moved as properties redeveloped. Councilmember Bloom asked if the Plan was based on property ownership. Ms. Sterrett answered yes; that was one of the difficulties of this Plan. Traditionally when a City considers redevelopment of an area, they acquire the property. This Plan respects the current property ownership and it is up to property owners to respond to the Plan and make it work for their property. The concepts lay a foundation for public space and connectivity and encourage developers to do internal circulation.

Councilmember Bloom summarized as each property redevelops, there are incentives for additional stories to provide certain amenities. Ms. Sterrett agreed. Councilmember Bloom assumed the Planning Board was reviewing the incentives to ensure the correct ones are offered. Mr. Chave agreed the Planning

Board was reviewing the details. Ms. Sterrett explained the goal is commonality and compatibility in future development. The incentives that allow a developer to achieve additional height also allow the City to achieve the benefits it wants. Councilmember Bloom asked how that fit with the code rewrite. Mr. Chave answered it will fit into the zoning chapter that considers uses; the companion will be the added design features and form-based code that will apply specifically to these zones. The Planning Board will determine how it will fit with current zoning.

9. DISCUSSION REGARDING FUTURE CITY UTILITY RATE ADJUSTMENTS.

Public Works Director Phil Williams advised City Engineer Rob English and Nihat Dogan, FCS Group, were present to answer questions. This is a discussion item with possible Council direction for use in preparing the 2014 budget and finalizing the Wastewater Comprehensive Plan.

Sewer

Mr. Williams provided history regarding sewer rates:

- No rate increase in the last 9 years (2004)
- Only adjustment in the last 9 years was a 2.4% decrease in 2006

He provided a comparison of current sewer rates:

Seattle	\$116.50
Kirkland	\$ 91.15
Ronald Wastewater District	\$ 75.14
Arlington	\$ 70.15
Woodinville Water District	\$ 65.77
Mukilteo Water & Sewer District	\$ 57.59
Lake Forest Park	\$ 55.44
Redmond	\$ 52.89
Alderwood Water & Wastewater	\$ 51.46
Lynnwood	\$ 39.57
Everett	\$ 34.94
Edmonds	\$ 27.85
Olympia View Water & Sewer District	\$ 23.66

Mr. Williams displayed a spreadsheet of sewer revenues and expenses 2013-2019, explaining a 6% base case annual rate adjustment is necessary 2014-2019 to cover current expenses and debt service. He displayed a chart illustrating the impact of a 6% rate adjustment; Edmonds' rate increases to \$39.51.

He described another option, to pay capital costs with rates rather than debt, which would require a 9.5% increase 2014-2019. At the end of that time period, rates would generate approximately \$2 million/year for capital projects. Under that option, Edmonds' rate would increase to \$48.01, still in the lower half of comparator cities.

Councilmember Bloom asked how many years the 6% increase would be necessary. Mr. Williams answered the illustration was a 6% increase per year for 6 years; it includes current borrowing, borrowing again in 2 years, again 2 years later, etc. to provide capital funding.

Councilmember Fraley-Monillas asked whether any of the comparator cities' rates included water or stormwater. Mr. Williams answered they were strictly sewer rates.

Water

Mr. Williams explained the current Water Comprehensive Plan, approved by the Council in 2010, assumes 7.5% rate adjustments each year. He displayed a comparison of water rates:

Shoreline	\$72.35
Lake Forest Park	\$72.35
Woodinville Water District	\$62.78
Seattle	\$59.65
Arlington	\$52.73
Kirkland	\$47.94
Alderwood Water & Wastewater	\$40.93
Edmonds	\$40.45
Mukilteo Water & Sewer District	\$40.44
Olympic View Water & Sewer District	\$38.10
Everett	\$30.24
Lynnwood	\$28.87
<i>Average</i>	<i>\$48.02</i>

He displayed a comparison of Edmonds water consumption CCF 1996-2011 that illustrates a downward trend, a 13% reduction, in water consumption, noting this affects revenue. He reviewed a base case rate adjustment of 6.25% for 2014-2019 to fund current expenses and debt service, increasing the rate to \$58.19. To pay capital costs with rates rather than debt would require a 9% increase 2014-2019, increasing the rate to \$67.84.

Stormwater

Mr. Williams advised the current Stormwater Comprehensive Plan assumes annual rate adjustments of 8% per year. He advised Edmonds' current stormwater rate is \$12.44 compared to \$24.09 for Seattle, the highest, and \$6.89 for Arlington, the lowest or an average of \$12.60. He explained stormwater rates do not need to be increased over the next six years to cover current expenses and debt service. However, avoiding borrowing over the next 6 years and using rates to provide funds for capital would require a 4.5% rate increase 2014-2019. He explained a study has not yet been done of the stormwater lines as has been done for sewer and water. If rates were raised by 4.5% over 6 years, Edmonds' rate would be \$16.20, fourth in the list of 12 comparator cities.

Mr. Williams relayed staff's recommendation to transition to cash funding for sewer line replacement/rehab, water line replacement and current stormwater capital needs. Staff will return in the near future with a plan to gather the remaining data regarding the stormwater system for inclusion in the Stormwater CIP.

Council President Petso asked if the increase, for example 4.5% for stormwater, was in addition to the 8% increase assumed in the Stormwater Comprehensive Plan. Mr. Williams answered no. He noted the Stormwater Comprehensive Plan included an ambitious capital program; not all that work has been delivered.

Council President Petso raised the issue of equity, bonding versus rates. She pointed out with bonding the cost is spread over the years when the asset is being used versus rates where a resident may move out of the city before the improvement is installed. Mr. Williams referred to the water line replacement program that replaces 1% of the waterlines a year, taking 100 years to complete. If rates generate \$2 million/year for the next 96 years, everyone in Edmonds during those 96 years will pay their fair share of the cost. The same concept is true for sewer. Borrowing every 2 years for 20 years takes 20 years to pay off and requires repayment of interest which is not necessary with cash funding via rates.

Council President Petso advised the City Council that Agenda Items 15 and 16 are not required this evening.

COUNCIL PRESIDENT PETSO MOVED, SECONDED BY COUNCILMEMBER PETERSON, TO EXTEND THE MEETING FOR 25 MINUTES. MOTION CARRIED UNANIMOUSLY.

Observing the City has a combined utility, Councilmember Johnson asked whether the rate adjustments could be combined to provide an idea of the annual increase. Mr. Williams answered the City has a combined utility but separate accounting systems for each. The utilities are not allowed to have access to the rate revenues generated by another utility. The rates should be considered separately for each utility.

Councilmember Johnson inquired about the percentage increase in a resident's combined utility bill. Mr. Williams advised he could provide an estimate of the impact to an average single family utility customer.

10. ADOPTION OF PARK IMPACT FEES ORDINANCE

Parks & Recreation Director Carrie Hite explained the Park Impact Fee Ordinance passed by the Council a few weeks ago was subsequently vetoed by Mayor Earling who requested staff make changes to the Park Impact Fee Ordinance and the fees due to a concern with the impact to small businesses. The specific concern was that the commercial Park Impact Fee was different for office versus retail; someone who purchased an office space and converted it to retail space would be charged a Park Impact Fee. Staff met with the City Attorney and the consultant, Randy Young, and developed an agreeable approach.

Councilmember Bloom asked for clarification regarding the changes made to the ordinance. Ms. Hite answered the change impacts the commercial Park Impact Fee only. An amendment was proposed to the Council previously that waived the change of use; the City Attorney determined the RCW does not allow for a waiver for change of use. To address this, the commercial Park Impact Fee was changed to only one use rather than separate rates for manufacturing, office and retail. In the first year, the rate would be \$.67/square foot for any new construction and \$1.34/square foot in the second year and beyond.

COUNCILMEMBER FRALEY-MONILLAS MOVED, SECONDED BY COUNCIL PRESIDENT PETSO, TO APPROVE ORDINANCE NO. 3934, AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, ADOPTING A NEW CHAPTER 3.36 TO THE EDMONDS CITY CODE ENTITLED "PARK IMPACT FEES", PROVIDING FOR THE IMPOSITION AND COLLECTION OF SUCH FEES UPON NEW DEVELOPMENT, AND PROVIDING FOR THE CALCULATION, USAGE AND GENERAL ADMINISTRATION OF SUCH A FEE SYSTEM.

Councilmember Peterson commented although this was a great improvement, he still had misgivings about the timing; he preferred implementation be extended over a longer period, particularly in view of economic vitality that is beginning to return to real estate development.

Councilmember Johnson clarified the Park Impact Fee will be imposed citywide.

MOTION CARRIED (5-1), COUNCILMEMBER PETERSON VOTING NO.

11. PARK IMPACT FEE ORDINANCE 3928 RECONSIDERATION

Parks & Recreation Director Carrie Hite explained this item was necessary due to the Mayor's veto of the original ordinance. With the passage of the ordinance in the prior agenda item, reconsideration is unnecessary.

12. REPORT ON OUTSIDE BOARD AND COMMITTEE MEETINGS

Councilmember Peterson reported on the Economic Development Committee meeting. The committee was provided an update by the Highway 99 Task Force related to transit oriented development, parking restrictions and protecting single family neighborhoods that abut Highway 99. The Swedish Hospital

expansion was discussed; more information will be available as a result of a recent meeting with Swedish. The meeting also included discussion of the successful Arts Summit, Highway 99 enhancements, the festival retail initiative, and subgroup reports. For the technology subgroup, Mr. Clifton reported he is preparing an RFP/RFQ to develop a business and marketing plan for fiber. The EDC canceled their August meeting.

Councilmember Fraley-Monillas asked Council President Petso to investigate whether the Highway 99 Task Force has met; neither she nor Councilmember Johnson, the Council representatives, have been notified of any meetings. Councilmember Fraley-Monillas reported the Health Board did not meet in July. A Parking Committee meeting included discussion regarding streamlining the ticketing process. She and Councilmember Bloom also attended a Disability Board meeting where policies were discussed.

Councilmember Bloom reported the Tree Board discussed the tree exchange with Edmonds' Sister City Hekinian, coordinating a one day tree inventory event, the Heritage Tree Program, Tree City USA criteria and definitions, developing a tree ordinance, grants for GIS mapping, and a citizen reported on trees surrounding his home that were topped and/or removed.

Councilmember Bloom reported on the WRIA 8 meeting she attended in Councilmember Buckshnis' absence where \$200,000 was allocated for the continued exploration of Willow Creek daylighting; an additional \$50,000 may be allocated if other projects do not proceed.

Councilmember Johnson reported on the 5 Corners artist selection; a presentation by the three artists that were selected will take place Thursday, July 25. Each artist will have 30 minutes; presentations begin at 5:30 p.m. The public is invited to attend and provide input.

Councilmember Yamamoto reported SNOCOM continues its efforts with the New World System, an enhanced dispatch system. SNOCOM, SNOPAC and NORCOM were partnering on the system; NORCOM has withdrawn from the contract.

Mayor Earling reported a great deal of time was spent working with the State Legislature during the last session. Representatives from the 32nd and 21st Legislative Districts were very responsive on issues important to Edmonds and Snohomish County. The Economic Alliance of Snohomish County helped solidify county representatives in speaking with a unified voice. The Alliance had a significant impact on a variety of issues important to Snohomish County; disappointingly there was little action on transportation improvements.

13. MAYOR'S COMMENTS

Mayor Earling reminded the City Council of the webinar at 10:00 a.m. Wednesday on creating retreats that work. He urged Councilmembers to attend.

Mayor Earling reported he will be in Centralia tomorrow afternoon testifying before the Joint Transportation Committee regarding the City's experience with train traffic.

14. COUNCIL COMMENTS

Council President Petso reported she also attended the Economic Development Commission (EDC) meeting last week. She recalled approximately a year ago the Council passed a motion 6-1 to have the EDC and Planning Board hold a joint meeting to discuss uses to be allowed in a retail only zone (now called festival retail), in particular real estate offices and banks. That joint meeting has not occurred and it appears members of both groups are not interested in a joint meeting. At the time the Council passed the motion, a joint meeting was supported because the EDC was newly reformed and may not have the

background the Planning Board could offer. The EDC has now been in existence for nearly a year and has discussed festival retail several times. She asked for Council input regarding whether the joint meeting needed to be discussed as an agenda item at a Council, if she could simply advise the chairs that a joint meeting was no longer required, or if the Council wants the EDC and Planning Board to hold a joint meeting.

Councilmember Peterson expressed his support for not requiring a joint meeting. He commented the EDC and Planning Board are two autonomous groups and opinions from each would be more beneficial than their attempting to reach a consensus.

Councilmember Fraley-Monillas said farewell and congratulations to Pat Ratcliff, the editor of the Edmonds-Beacon, who moved to North Dakota.

Councilmember Bloom provided a reminder of the mid-week market at Salish Crossing at 3:00 – 7:00 p.m. on Wednesdays through October.

Councilmember Johnson requested an agenda item be added to the next Council meeting regarding funding the Volunteer Appreciation event from ending fund balance.

15. **CONVENE IN EXECUTIVE SESSION REGARDING PENDING LITIGATION PER RCW 42.30.110(1)(i).**

This item was removed from the agenda.

16. **RECONVENE IN OPEN SESSION. POTENTIAL ACTION AS A RESULT OF MEETING IN EXECUTIVE SESSION.**

This item was removed from the agenda.

17. **ADJOURN**

With no further business, the Council meeting was adjourned at 10:25 p.m.